

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.8838 OF 2007

Shri Madhavrao Karbhari Pawar : Petitioner

versus

The State of Maharashtra & Anr. : Respondents.

Mr.M.S.Karnik for the Petitioner

Mr.P.I.Khemani, AGP, for Respondent No.1.

Mr.S.S.Kulkarni for Respondent No.2.

CORAM : J.N.PATEL &

SMT.NISHITA MHATRE, JJ.

DATED : DECEMBER 04, 2007.

P.C.

1. Heard. In view of the fact that the Petitioner has already sought alternate remedy by approaching the Civil Court in the matter. This Court is not inclined to entertain the petition

in its writ jurisdiction. Therefore, the petition is dismissed. We make it clear that we have not considered the merits of the matter and pendency of the PIL relating to the subject land would not deter the learned Civil Judge from passing appropriate orders in accordance with law as per the directions issued by this Court vide order dated 24.10.2007 in PIL No.46 of 2007. Needless to say that this does not in any manner preclude the authorities to proceed with removal of unauthorised structures on the subject land unless there is judicial orders in favour of the petitioner protecting disputed structures.

[SMT.NISHITA MHATRE, J]

[J.N.PATEL, J]